

University of Montana

## ScholarWorks at University of Montana

---

Montana Kaimin, 1898-present

Associated Students of the University of  
Montana (ASUM)

---

3-14-1912

### The Weekly Kaimin, March 14, 1912

University Press Club of the University of Montana

Follow this and additional works at: <https://scholarworks.umt.edu/studentnewspaper>

**Let us know how access to this document benefits you.**

---

#### Recommended Citation

University Press Club of the University of Montana, "The Weekly Kaimin, March 14, 1912" (1912). *Montana Kaimin, 1898-present*. 152.

<https://scholarworks.umt.edu/studentnewspaper/152>

This Newspaper is brought to you for free and open access by the Associated Students of the University of Montana (ASUM) at ScholarWorks at University of Montana. It has been accepted for inclusion in Montana Kaimin, 1898-present by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact [scholarworks@mso.umt.edu](mailto:scholarworks@mso.umt.edu).

## PRESIDENT DUNIWAY RETURNS FROM EAST

ATTENDS EDUCATIONAL MEETINGS IN WASHINGTON AND ST. LOUIS WHILE AWAY.

## SUMMER SCHOOL MEN

Professors Selected to Teach in Summer School to Be Announced Later—Meets Former Varsity Instructor.

On Tuesday, President Duniway returned from a two weeks' trip in the east. The trip was mostly a business one, but there was time for some pleasure also. In visiting the east President Duniway had three objects in view. They were, attending the National Educational Association, Superintendence and Councils meeting, the fulfilling of an appointment made by Governor Norris to the National Civic Federation and also to perform the somewhat arduous task of getting the best possible instructors for the summer school.

### N. E. A. in St. Louis.

The National Educational Association meeting was held this year in St. Louis. It was the largest gathering of the association that has ever been held in the mid-winter. There were upwards of 2,000 delegates meeting together to discuss educational matters.

At this meeting President Duniway had an enjoyable time. Here he met men from all parts of the country; he had the pleasure of talking with old classmates, even meeting men with whom he studied in Germany. This meeting was not a meeting of the whole association, but only of the department of Superintendence and Councils. It is a remarkable thing that so many attended this meeting of this department in the middle of winter. The members of the association are well pleased at the growth, which this indicates, along educational lines.

### On Arrangement Committee.

President Duniway, with President Strong of the University of Kansas, and President Luckey of the University of Nebraska, was on a committee of the department of Higher Education. This committee laid plans for the big annual meeting which is to be held in Chicago, the first week in July.

After leaving St. Louis, President Duniway continued eastward to Washington, D. C. Here he attended the National Civic Federation to which position he was appointed by Governor Edwin L. Norris.

### The Federation Meeting.

This federation is for the purpose of getting the true relationship of capital and labor. Seth Low, of New York, presided as president. Many interesting reports were brought in. Among the most important of these

(Continued on Page Two.)

## LITTLE WILL EDIT JUNIOR YEAR BOOK

Nat Little and Herbert Kuphal to Get Out 1914 Sentinel for Their Class—Make No Promises.

Nat S. Little and Herbert H. Kuphal will see that the class of 1914 publishes a Sentinel next year. So decreed the Sophomore Class at its meeting held last Monday afternoon.

But two candidates appeared for the editorship of the year book—Little and Earl Speer. The first ballot resulted in a victory for Little by a vote of 21 to 14.

Herbert Kuphal was the only nominee for manager, and he was declared unanimously elected.

Both Little and Kuphal are well fitted for their positions. Little has served faithfully and well upon the Kaimin staff for the past year. He



NAT LITTLE  
Editor '14 Sentinel

did some very work work as associate editor of the "Occasional Kamin" and is regarded as being one of the clever writers in the University. He has also taken a very prominent part in dramatic productions.

Neither of the two men goes upon the Sentinel staff without some experience in the workings of the year book. Both are very good artists, having worked in the annual of this year's graduating class; both are helping the art editor of the 1913 Sentinel, and Kuphal is also doing work on the business staff of the Sentinel under Manager Wells.

Of course, the Sophs yelled for



HERBERT KUPHAL  
Business Manager

"speech" when the results of the ballots were made known. Editor-elect Little said that he could make no promises as to the quality of the book, but that he would certainly work hard to make the 1914 Sentinel one of which its class might be proud. Kuphal reiterated the statements of his colleague. He started out with the sentence that he, too, could make no promises; he wound up enthusiastically with the promise that they would make the 1914 Sentinel the best the Varsity has ever seen.

## MONTANA TRACK TEAM STRONG SAYS "DOPE"

VARSITY SQUAD OF TRACKSTERS SEEMS TO PROMISE GOOD TEAM.

## WORK TO BEGIN SOON

Cameron Is Busy Rounding Up His Stars and Next Week Will Begin Active Track Work.

With the advent of this spring-like weather the fellows who are lovers of the track sports, commence to have an itching to get out and do a few miles. Some of the men have already been out and others have declared that they will follow suit as soon as the next day will come.

It is gratifying to see this. It means that the men of the University are going to take an interest in the spring athletics. It also appears that some one is after the championship honors, again, this year.

### Give Track a Chance.

Athletic Director Cary has requested that all men who are interested in the track and track work, show their interest by keeping off of the cinders for a few days. "The ground is wet now," said Mr. Cary, "and if the fellows go on there while it is in that condition it will take us that much longer to make it fit for the meets this spring. While I like to see the fellows out and taking such an interest in the work, still I believe it would do more good if they took cross country runs for a while. It would help both the athletes and also the track.

(Continued on Page Two.)

## ST. PATRICK'S DAY JIG TO BE HELD IN GYMNASIUM SATURDAY NIGHT

"Come on along, come on along!" It's going to be the best ever. There is no use concealing the fact. There was never anything like it before, and it cannot be duplicated. It will be without doubt one of the biggest things that has ever been held on the campus and we do not want anyone to feel out of place by not being there.

This is the warning of the St. Patrick's day jig. It is going to be something different. You never saw its like, and if you miss it, you will regret it. Maybe you have never been to a jig. Just right. You don't want to miss one. There are going to be things there that will open your eyes. Surprises in every corner and, with it all, lots of fun.

That jig will be held Saturday night. After the tug-of-war it will be a fitting ending to the day. It was with reticence that the promoters talked to a Kaimin representative concerning it. There are so many new things to be pulled off at that affair that the person who was induced to talk a little on the subject was afraid that he would give out some of them.

This affair this year will be held under the auspices of the Associated Students of the University of Montana. It will be "better than ever before." Of course, as may have been gathered from the name, the affair is going to be a dance. Not by one man or one lady, but by everybody in the institution. All will be there, and there will be plenty of amusement. The jig is for everyone. If you don't come you will disappoint all your friends and the next day you will be awfully disappointed. If you can't come and bring sister (?), bring somebody else's sister. Don't let any of your friends or any of your lady friend's friends miss this wonderful opportunity to have one big, glorious round of amusement. The date is Saturday night and the place is the Gym. Don't forget. The St. Patrick's day jig.

## WEeping WATER TO INHERIT AN ESTATE

Contestant to Underwood Will Has Weak Case and Squaw Will Probably Get the Coin.

The law lecture room presented a scene of unusual excitement again Tuesday evening when the contest of the wills of the late Homeopathic Reason Underwood was heard before Judge Theodore Lentz.

Mr. Burton R. Cole, representing one William Vealey, proved the execution of an instrument dated July 4, 1911, in which Mr. Vealey was named as executor. The second will offered for probate was one executed by the deceased on September 12, 1911. Mr. Underwood's buxom Indian bride "Weeping Water" was the proponent of this instrument and prayed for the issuance to her of letters of administration with will annexed.

After the formal proving of these wills the matter of contest instituted by Mr. A. B. Hoblitt as attorney for Patrick K. Underwood was taken up. A jury of eight was finally agreed upon, after thorough and searching examination.

### Young Underwood Star Witness.

The contestant introduced as this man's witness Mr. Patrick Underwood, a very prepossessing boy of seventeen, who testified as to his touching devotion for his father, and as to the alienation of affection experienced by the deceased by reason of his excessive drinking. Patrick made a good witness and his childish allusions to "dad" and other such familiar terms caught the sympathetic ear of a large and interested audience. Other witnesses called on his behalf were one Maddox, a menial servant employed in the house of the deceased, and Mr. E. G. Smith, a stenographer, who drew the two wills.

### Contestant's Case Weak.

Except for the evidence given by Patrick the case of the contestant was very weak and there was considerable surprise when the judge overruled the motion for a nonsuit, made by Mr. Cole at the close of contestant's case. **Rev. Whitlock Testifies.**

The case for the proponents of the will was opened by the testimony of Rev. A. N. Whitlock, who gave his age at 32 years, formerly pastor of the First Congregational Church of Corvallis, and who related the incidents of a marriage ceremony performed by him joining the deceased and "Weeping Water" Underwood in holy wedlock. Mr. Whitlock was severely cross-examined by the contestant's attorney, but told a good, straight story throughout, and evinced a surprisingly accurate fund of information concerning the people and conditions in the City of Corvallis.

### Squaw Makes Hit.

The widow, Weeping Water, garbed in the attractive costume of her native race, was next called to the stand. Weeping Water was unable to speak the English language, so Mr. Cole was qualified as an expert in heathen languages and acted as official interpreter.

(Continued on Page Five.)

## FAST MINES TEAM AGAIN DEFEATS VARSITY FIVE

MEN FROM BUTTE ROLL UP GOOD SCORE IN LAST GAME OF THE SEASON.

## BLOW UP IN SECOND

Game Apparently on Ice for Montana When Team Quits Playing and Miners Begin Basketfest.

In the last game of the season, the last chance to win, Montana went down before the Miners in the best game of the year. Outplayed in the first half and most of the second, the "Copper Diggers" rallied in the final ten minutes and placed their winnings beyond reach of Whitlock's men. The Collegians who had played air-tight ball every minute were unable to prevent Captain Reid and Brinton from shooting the winning points. The Varsity had been practicing steadily for the game, but it was not expected to see them make such a strong stand against the speedy Miners who defeated them easily on February 26 at Butte.

Captain Reid and Brinton did the heavy work for the Mines and Whisler and McCarthy for the Varsity.

### The First Half.

Hansen started things and was followed by McCarthy, Reid, Brinton, Connor, and Reid again, with lots of fast work in between. Connor fouled and Reid threw the free one. McCarthy and Whisler scored and McCarthy fouled, Reid throwing successfully again. Connor scored twice in succession, then Kroeger fouled. McCarthy missed the circle on the free throw. Score at the end of the first half 10 to 12 in favor of the Varsity.

Filled with the spirit of victory, Montana came onto the floor and at once increased their score to eighteen, at the same time holding their opponents in check. Then Captain Reid, Hansen and Brinton added six points. Whisler found the circle once more before the session closed, but the Miners' rally had proved fatal and the game was gone for good. Arthur Bishop of the class of 1911 refereed to the satisfaction of both parties and the rooters.

### The Line Up.

Miners—Reid (Capt.), right forward; Hansen, left forward; Kroeger, center; Brinton, right guard; McPherson, left guard.

Montana—Whisler, right forward; McCarthy (Capt.), left forward; Connor, center; Wolfe, right guard; Gervais, left guard.

Referee—Bishop.  
Field baskets—Reid, 5; Brinton, 5; Hansen, 3; Kroeger, 1; McCarthy, 4; Whisler, 4; Connor, 3.

Free throws—Reid, 2.  
Fouls—Connor, 1; McCarthy, 1.  
Before the game of the evening the University's second team met the sec-

(Continued on Page Five.)

## SLOUGH WATERLESS, TUG IS POSTPONED

The big St. Patrick's event has been postponed. There will be no Tug-of-War until March 22. This news strikes sorrow to the hearts of many of the student body, but do not despair. The teams are ready and the tussle will be pulled off on the date mentioned.

The reason for postponing this annual affair this year is to give the elements a chance to do a little work. If the event were held on Saturday as scheduled there would be but little water to go through, if the ice were chopped off. And then the ice would have to be chopped off. That is where the trouble is. No one wants to chop out the whole surface of the river. By waiting one week we are reasonably assured of a rise in the river and then the contest will be all the more interesting.

At a committee meeting of the upper-classmen in charge of the Tug-of-War the following rules were enacted:

many men as there are men in the smaller of the two classes. The other class then will be allowed to use as many men as will make the weight equal to the weight of the smaller class team.

2. No man shall be allowed to let go of the rope and leave his position to take a new hold farther back or ahead of his number.

3. All men shall be given a number by the captain and each shall stay in that position and take no other.

4. No holes shall be dug deeper than 6 inches.

5. The team captains will toss up for sides. The winner to take his choice on the day before the contest.

6. The men shall be weighed, (net), by the committee, one day before the contest.

7. The punishment, for the breaking of any of the above rules, is a "ducking" in the slough, by the upper-classmen.

## THIRTEEN MEN GIVEN FOOTBALL EMBLEMS

Dr. Aber, with a few well chosen words last Friday at a special convocation, presented to the football men their long-delayed sweaters. E. Pat Kelly and Lucius Forbes were the lone two who made speeches. Kelly "got off" a little jingle; Forbes made an eloquent plea to the students to support their basketball team as they had their football team.

About half of the student body were present at the convocation. This was due, perhaps, to the fact that the meeting was held at 12:15, so near luncheon time.

The men who received letters were Captain Winstanley, Captain-Elect Dornblaser, Lucius Forbes, Cecil Dobson, Dan Connors, Lewis Hunt, Pat McCarthy, E. P. Kelly, George Klebe, Ed Simpkins, Fred Thieme, Peter Ronan and Merritt Owsley.

## "SKATING STILL GOOD" SAYS "DUSTY" RHODES

Again the student body receives a severe shock; Mr. Rhodes, the former idol of the Varsity Gym sharks, will not be able to referee the annual tug-of-war. The following is self-explanatory:

### Telegram.

Rose Carnival,  
March 14, 1912.

To the Kaimin Editor:  
Regret cannot referee tug war. Regret much. Skating still good. JAMES WOODMANSEE RHODES.

### (Collect.)

So this year de Frosh and de Soph will have to settle their last battle without the careful "spots" taking refereeing of Mr. Rhodes, who all the fellows were won't to call affectionately "Dusty." And the skating is still good, hooray!



# The Weekly Kaimin

Published every week by the University Press Club of the University of Montana.

## EDITOR IN CHIEF

D. D. RICHARDS ..... '12

Carl C. Dickey, '14.....Managing Editor  
Florence Leech, '12, Associate Editor  
Mildred Ingalls, '13.....Society Editor  
Winnifred Feighner, '08.....Alumni Editor  
L. W. Hunt, '15.....Athletic Editor

## Reporters

Louise Smith, '13 Gladys Huffman, '13  
Peter Hansen, '13 N. S. Little, '14  
Helen Wear, '12 F. D. Richter.....'15  
Hazel Lyman, '13 \*La Rue Smith, '15  
\*Special

## BUSINESS MANAGER

J. C. HAINES ..... '14  
Floyd Halford, '15.....Asst. Bus. Manager

## Advertising Managers.

Edwin J. Stanley, '15 G. O. Baxter.....'15  
Walter Conway, 15

## Circulation Managers

L. D. Forbes.....'15 N. J. Taylor.....'15  
M. Snyder, '14

Entered as second class mail matter at Missoula, Montana, under act of congress of March 3, 1879.

THURSDAY, MARCH 14, 1912.

## CALENDAR.

March 16—A. S. U. M., St. Patrick's day dance.  
March 17—St. Patrick's day.  
March 18—Annual tug-of-war, the Freshmen vs. Sophomores.  
March 22—A. S. U. M. dance.  
March 29—University play.

## GENERAL INFORMATION.

### Faculty Directory.

Pronounced "Ki-mean." This is an Indian word taken from the language of the Selish tribe. The word in that tongue means "to write."  
ABER, W. M., professor of Latin and Greek; L. 14—402 Eddy St.; Bell 733 red.  
BALLANTINE, H. W., acting Dean of Law School; U. 21—404 Connell Ave.; Bell 455.  
BIEGLER, P. S., assistant professor of Electrical Engineering; Sc. 1—271 S. Second west.  
BOOK, W. F., professor of Psychology and Education; U. 17—402 Eddy St.; Bell 733 red.  
BUCKHOUS, M. G., Librarian; L. 1st floor—206 S. Fourth St. west; Bell 375 red.  
CAREY, E. F. A., instructor in Mathematics; U. 14—522 Rollins St.; Bell 550 red.  
CARY, R. H., Physical Director; G.—317 University Ave.; Bell 773.  
CLAYBERG, JUDGE J. B., honorary Dean of Law School; U. 21—Helena, Mont.  
CORBIN, FRANCES, professor of Literature; L. 12—110 S. Fourth St. west; Ind. 2632.  
CUNNINGHAM, GEORGE H., instructor in Mechanical Engineering; Sc. 1.  
DUNIWAY, C. A., President; U. 3—Maurice Ave.; Bell 796 red.  
ELROD, M. J., professor of Biology; U. 10—205 S. Fifth St. east; Bell 65 black.  
FEIGHNER, M. WINNIFRED, assistant in Library; L. 1st floor—315 E. Front St.; Bell 185 red.  
FISCHER, GUSTAV, professor of Music; U. Assembly hall—419 S. Third St. W.; Bell 389 black.  
GROSS, G. A., instructor in Engineering Shops; Sc. 3—512 S. Sixth St. W.  
HARKINS, W. D., professor of Chemistry; Sc. 11—521 E. Pine St.; Bell 220 red.  
HILL, J. W., instructor in Chemistry; Sc. 12—620 Woodford St.  
KIRKWOOD, J. E., professor of Botany and Forestry; U. 7—520 Ford St.; Bell 385 black.  
KNOWLES, ELOISE, instructor in Fine Arts; U. 24—S. Second St. W.; Bell 86.  
PATTON, CARRIE C., assistant in Library; L. 1st floor—300 University Ave.; Bell 685.  
PALMER, G. M., instructor in English; L. 11—523 Woodford St.; Bell 577 red.  
PHILLIPS, P. C., instructor in history; L. 18—523 S. Second St. W.  
PLANT, L. C., professor of Mathematics; U. 11—404 Eddy St.; Bell 733 black.  
PLEW, W. R., assistant professor of Engineering; Sc. 4—809 Hilda St.; Bell 1006 red.  
REYNOLDS, G. F., professor of English; L. 16—309 University Ave.; Bell 786 red.  
RICHTER, A. W., professor of Engineering; Sc. 1—305 University Ave.; Bell 786 red.  
ROWE, J. P., professor of Geology; U. 6—319 University Ave.; Bell 527.  
SCHEUCH, F. C., professor of Modern Languages; L. 13—309 S. Fifth St. W.; Bell 136 red.  
SMITH, MABEL R., instructor in Education and Physical Culture; U. 13—300 University Ave.; Bell 685.  
SPER, J. B., registrar and President's secretary; U. 3—539 University Ave.; Bell 1070 black; Ind. 702.  
STEWART, MARY, Dean of Women; L. 11—Craig hall; Bell 83; Ind. 562.  
STOUTMYER, J. H., instructor in Education; U. 17—539 University Ave.; Bell 1070 black.  
THOMPSON, R. N., assistant professor of Physics; U. 11—17 Rozale Flats; Bell 959.  
UNDERWOOD, J. H., professor of History and Economics; L. 18—516 Woodford St.; Ind. 2653.  
WHITLOCK, A. N., assistant professor of Law; U. 21—539 University Ave.; Bell 1070 black.



## ST. PATRICK'S DAY.

This is the Weekly Kaimin's Annual St. Patrick's Day Edition. In honor of the Emerald Isle's patron, we think that it is only fitting and proper that we should do this. With so many from the "Auld Sod" on our subscription list, it is the best policy to make them believe that we are not Orangemen, because we may need the type and printing press some day in the future.  
We believe that if a man could chase all of the snakes out of Ireland, he could do most anything, so, therefore, we honor him. Also it is the time of the Annual Tug-of-War, and, this year, the time for the St. Patrick's Day Jig. Hence, for all of these things we are glad and offer this paper, in green ink, as a token of our gratitude.

## THEY ASK TO KNOW.

The Kaimin has received many queries from the engineers as to the whereabouts of the engineering periodicals. The Kaimin don't know the whereabouts.

The engineers have complained for some time about not getting the engineering magazines that were subscribed for at the beginning of the school year.

There is a place in the Library, we are told, where these periodicals can be found. The engineers claim that the one who finds one there never put it back, or else the books do not come every month as they should. The men in the engineering school like to read these magazines as they come, and, also, they are expected by the professors to do all the reading along engineering lines that is possible. At present not much reading is possible. There is nothing to read.

If these periodicals come at all, the engineers would like to see them; and if they don't, they would also like to know that, too, so they wouldn't expect them. Besides, so far they have gotten very little for the fifty cents they gave for subscription to the magazines.

## THE SOPH ON BASEBALL.

"Say," asked the Soph, as he came into the news room where the Owl was busily engaged in writing the personal history of each chorus girl who visited on the campus last Friday. "Tell me is that right about the A. S. U. M. withdrawing support from baseball. I just heard about it, and I didn't believe it. I knew, though, that you would know."  
"Yes," replied the Owl, "I do know, and also, yes, it is right. That was done some weeks ago. Why, where have you been? That was printed in the Kaimin. You must have been asleep for some time."

"Now don't 'kid me,'" answered the Soph, "just because I overlook a bet once in a while. You know that I always try to keep up with the times, and the doings around school, but like everyone else I do let something get by me once in a while."

"Aw, you know that I was only 'kidding you,'" replied the Owl, somewhat taken back at the Soph's tone. "I know that you always do your best, and let me add, your best is mighty good. I wish, to heaven, that there were more like you. There are altogether too many 'dead ones'—people with none or the wrong kind of spirit."

"Thank you," exclaimed the Soph,

much pleased. "I didn't think that you would ever deliver an oration entitled, 'Oh, How I Like You!'"

"Well, you started that baseball subject. What do you want to know?" asked the Owl.

"I want to know whether or not we are going to have baseball this season since the A. S. U. M. has withdrawn its support?"

"Sure," replied the Owl. "The fellows are going ahead just the same and we shall have a few games this season, anyway."

"How are they going to do it?" asked the Soph. "If they have not money with which to run, they are not going to get very far."

"No; you are right," answered the Owl, "they wouldn't. But there is a way. They are going to give a Baseball Dance. That is, such a thing has been suggested and seems to meet with much approval."

"Good," exclaimed the Soph. "That would be just the thing. They ought, in this way, to raise enough money to buy the baseballs they need, anyway."

"Well," replied the Owl, "the scheme, as now outlined, is a dandy. They are planning to give a dance with several special baseball features, and if they do, you can bet that it will be a hummer."

"Well, tell me why the A. S. U. M. wouldn't support the national game this year?" asked the Soph.

"The reason is very simple and very evident. They haven't got the money," replied the Owl. "It isn't a case of 'Wouldn't'; it is a case of just simply 'Couldn't.' The A. S. U. M. would like to support the game, if they could, but the financial obligations are now all that they can bear, and so baseball will have to suffer."

"I can see that right now," replied the Soph. "But I didn't know that they were in such a bad way financially. If they look with favor on the game, then the fellows have a right to expect a little help from them."

"Sure," responded the Owl. "The A. S. U. M. will give all of the help it possibly can. The only thing that needs to be done is to see that the dance the fellows give is a success. If they can raise some money there, you can bet the University will have one of the best baseball seasons that they have ever had."

"Well, I am mighty glad that we are going to see some of the greatest games of all played by the fellows from the University," declared the Soph.

"Yes," replied the Owl, "it is a good thing."

"You bet it is," answered the Soph. "If it doesn't cut into the track I wish it every success. Well, the classes meet just the same tomorrow, and I guess I will have to go home for a little sleep. So-long."

If we can get that portrait of Dr. Craig in a short time and hang it in one of the buildings, it will certainly show that the work of the man who builded this institution is a appreciated.

Have the Engineers gumption enough to enter the field of journalism after the example set by the lawyers? What to them are the Pleiades?

The girls threaten to get out a "Girls' Edition" of the Kaimin. We dare them to.

Let's all boost to get that Craig picture without delay.

Hawthorne Tonight! ! !

## SAVE YOUR SHOE MONEY

The chance to save your shoe money by spending it. Attend the great shoe sale now going on at this store.

\$3.50 and \$4.00 Shoes at ..... \$2.95  
\$4.50 and \$5.00 shoes at ..... \$3.45

## SCHLOSSBERG'S

FOR A CUP OF GOOD COFFEE AND QUICK LUNCH GO TO

## The Coffee Parlor

## TRACK TEAM GOOD.

(Continued From Page One.)

Working on the track now makes holes in it, so please don't do it."

Manager O. D. Speer is now busily engaged in arranging a schedule which promises to be a very good one. While there is danger now of the team never being seen in Missoula, it is hoped that arrangements may be made so that at least one intercollegiate contest will be held on Montana Field.

## Good Prospects.

The prospects for a good team are very promising. Many men who are in the Freshmen class are known to have ability. Of the men who composed last year's championship team, many are still in school.

In the runs and sprints the University track squad is fairly well fixed, but in the weights the squad is probably weaker than it has ever been. The men who made points last year, have left school and some of those who were counted upon to make good this year, will not be able to compete this spring. However, there is a possibility that a few men may be developed, there being some good material if they can be induced to come out.

However, taken all in all, the outlook for a winning track team is just as good this year as it has been in years past. From the interest shown so far we may even say that the outlook is even better.

## PRESIDENT DUNIWAY RETURNS.

(Continued From Page One.)

was the report made by the committee on Arbitration and Conciliation, looking toward the abolishment of strikes and the arbitration of all questions by competent men. The report of the committee on Legislation also was very interesting. This committee has prepared a supplement to the Sherman act. The committee on Compensation hopes to get legislation, by Congress, which will settle all damage suits against the railroads by the employees. The plan is to have a board of men who shall dictate how much the railroads must pay an injured employee. This would do away with the expensive law suits and would be of material benefit to the railroad men. President Duniway is the only man from the state who was present at the federation.

While in Washington, President Duniway met Senator Dixon. The senator reported that his bill, which provides for government appropriation to universities having a forestry course, has been reported on favorably by the committee. There was not a dissenting voice.

Many of the older students will be pleased to learn that in Washington President Duniway also met Arthur Dana, whom, it will be remembered, was instructor here in Engineering. Mr. Dana is still much interested in the University of Montana and a pleasant hour was spent with him talking of old times.

Probably the hardest task which was undertaken by President Duniway, on the trip, was the selecting of professors to teach in the summer school this year. Some very competent people were secured and the announcement of them will be made later. Because of the lateness of the release of the summer school appropriation, many of the people who were desirable had secured other positions. Despite this fact, however, a good summer school is assured.

Roses Sweet Peas

Carnations

## Missoula Nursery Company

Potted Plants

## Vienna Cafe

Next to Grand Theater, on Main St

For a Good Meal  
We Excel

PRICES REASONABLE

Try our famous coffee. Open day and night.

Phil Kenny, Prop.

Chas. McCafferty P. C. Boling

## The Peerless

POOL AND BILLIARDS

Union Block East Main St.

## ISIS

The Musical Photoplay Theater

The King of Them All.

We show only the "cream" of the world's output of Motion Pictures. Changes Sunday, Monday, Wednesday and Friday.

Don't Fail—Follow the Trail.

THE ISIS

The King

We Give Rates

## The Pantorium

Cleaning, Pressing and Repairing.

SUITS TO ORDER

Both Phones.

## Mr. MIKE SINIS

Does the best shoe repairing in city. Work guaranteed. Shoe shining parlor in connection.  
507 North Higgins Ave.

## Ward Studio

335 HIGGINS AVE.

## Missoula Art Co.

Artistic Photographers

NEXT TO BRIDGE.

## THE SMOKE HOUSE

MASONIC TEMPLE

F. H. KNISLEY, Proprietor

CIGARS, TOBACCOS, BILLIARDS AND POCKET BILLIARDS.

Lowney's Chocolates.

Pipe Hospital in Connection

The most convenient as well as economical for spreads is the electric table stove.

MISSOULA LIGHT & WATER COMPANY.



# HIGH SCHOOL EXCHANGES

## Fort Benton High School.

Fort Benton was the scene of great activity on March 5. The Havre and Chinook basketball teams spent the day with us and played against the Baraca and High School teams in the evening. The visitors were entertained in the afternoon at the High School with a short musical program. In the first half of the Chinook-Benton game the visitors scored heavily, but in the last half the home team kept the opposing score down and made several baskets. Chinook won with a score of 23 to 19 after a hard-fought battle, while Havre suffered defeat at the hands of the Baraca class. After the games, the High School girls served a lunch in the Company M armory to about seventy young people, at which all enjoyed themselves immensely. Returning to the Opera House, the crowd finished up the evening with an impromptu dance. Next morning Fort Benton's team joined the others on the way to the Bozeman meet, under the supervision of W. J. Lenning.

—NORA HARBER.

## Jefferson County High School.

The final declamatory contest, to choose a speaker to go to Missoula next May, was held last Friday night, March 1. There were nine contestants all of them capable orators. Miss Corinne De Celles of the Senior Class was awarded first place; Leo Stewart, a Junior, second. This decision was made after much debate on the part of the judges, Messrs. Ketchum, Tenny and Roberts of Helena.

Last Saturday evening the Seniors were pleasantly entertained by one of their number, Mary Larson, at her parents' ranch, a few miles east of town. The hours were spent in playing games and telling stories. Not the least pleasant part of the evening was the long moonlight ride home through the valley.

Last Wednesday evening the basketball team, accompanied by Professor Harry, went to Bozeman to take part in the basketball tournament, to be held in that city. The boys decided to wait until next year to bring home the cup, but doubtless made victory hard for the team opposing them.

During the past two or three months the High School basketball team has played a series of from seven to ten games with the State School Deaf and Blind team. The High School got decidedly the best of it in the series, although in the last game the D. and B.'s won after a rough-and-tumble match by three points.

Tuesday morning of last week the final contest to determine our representative in the extemporaneous speaking at Bozeman was held, there being at the last, two contestants, Will Murphy and Gus Wallin. Both did very creditable work, but the decision of the judges gave the honor to the latter.

## Billings High School.

Friday, March 1, marked two decisive victories for the basketball teams of this High School. The boys' team played the Columbus High in this city, and in a very one-sided game ran up a score of 66 to 4 in favor of Billings. The Billings team merely played with their opponents, making basket after basket in rapid succession. After the game the visiting team was entertained at a dance given in the Masonic hall.

The same night the girls played in Livingston. The game was played on a slippery floor, but was fast and rough. At the end of the first half the Billings team were but one point ahead of the Livingston girls. During the second half, however, they played faster, and when time was called, the score stood 15 to 8 in favor of Billings. A return game will be played on the 15th of March.

On Wednesday the boys left for Bozeman to attend the basketball tournament, held there March 7th, 8th and 9th. Mr. McCall, the principal, went with the team.

Miss Smith of the State University entertained the students Friday afternoon. The several readings which she gave were greatly appreciated.

## Butte High School.

Two enthusiastic class meetings were held on Monday evening. The Juniors decided upon their class pins and the Seniors chose their class colors, flowers and motto. These were selected after much debating: Green and white with white lilies, and the motto "Esse quam videre," or, "To be rather than to seem to be."

The March Mountaineer is to be a faculty number and material should be handed in as soon as possible.

Mr. Markley, with the basketball boys, left Thursday morning for Bozeman and a number of B. H. S. boosters took the train Thursday evening. Mrs. Kelley accompanied Mary C. Stevens, who represented the school in the extemporaneous speaking contest.

Emily Kramer has recently been appointed editor for the Girls' Literary Societies for the Mountaineer. The following are the programs given by the Societies Thursday, March 7:

Alpha—Piano solo, Stella Harkins; "Life of Beethoven," Mamie Nevin; piano solo, Lorine McMullen; "Life of Chopin," Mollie Allen; piano solo, Sadie Kopald; piano solo, Lula Eschle.

Beta—Football at Rugby, Alta Scott; recitation, Freda Pincus; paper, Alice Weinberg; recitation, Helen Clark; humorous definitions, Minnie Tippet.

Kappa—Business meeting.

Senate—Impromptu, Kenneth Simmons; "Wireless Telegraphy," Goodman Mottelson; "Resolved, That an eight-hour working day should be adopted." The affirmative was upheld by Ralph Williams, Louis George and Harry Lewis; and the negative by James Sullivan, Joseph Finnegan and Charles McGreal. The judges gave the affirmative the decision.

The girls appreciate the interest the Senate boys are taking in their meetings.

A large number of Beta girls visited the Newsboys' Club and several took part in the program.

Part of the order of football sweaters arrived this week and the possessors have been wearing them ever since. They are white coat sweaters with pockets, bearing a purple "B" on the front.

The High Schools of the state are invited by the University of Montana to participate in a contest open to High School students for the medal given in memory of the late Senator Carter. Essays are limited to 3,000 words, and are to be on the following three subjects:

1. Why I am glad to take a High School course.
2. Lessons from life of ———, meaning any person he or she has studied.
3. A descriptive theme on any theme drawn from the student's own observation or experience.

The High School Employment Bureau attempts to supply boys and girls for office work. Several graduates of the commercial department were placed during the past week.

## Anaconda High School.

The Anaconda whirlwinds maintained their enviable reputation on the court February 25 in Anaconda by defeating the Braccia team of Deer Lodge by a score of 47 to 9.

The contest resembled a football game rather than a basketball game, the contest being called three times—when Burnett cramped his knee, Hauser hurt his arm very badly in the last minute of place, which will mar his good work in future contests, and when Shiplet was knocked out.

The first half was hard-fought, but the Anaconda team hit its stride, as usual, and piled up 20 points to the Braccia's 3. The second half was a repetition of the first, the final score being 47 to 9 in favor of Anaconda. The visitors scored but one field basket, all their other points being made by a score of 47 to 9.

Hauser was the one big noise, getting 26 of the team's 47 points, but as he injured his arm, it is thought he will lose all of his class. He tired out three of the Deer Lodge forwards.

The lineup and individual scores were as follows:

Anaconda—Forwards, Hauser 26; Sullivan 11; Center, Burnett 2. Guards, Flood 4; Kelly 4. Total, 47.

Braccia—Forwards, Evans, 9; Shiplet, Center, Ward. Guards, C. Shiplet, E. Shiplet, Myers. Total, 9.

No game is scheduled for next week. A declamatory organization was organized by the students to which all students must belong who desire to engage in intellectual contests.

Saturday afternoon a contest was held by the members in extemporaneous speaking. Jean Kelly won first place and Tina Smith second. Jean Kelly will therefore represent Anaconda in the extemporaneous speaking contest to be held at Bozeman.

A gold medal has been offered to the best declaimer, and a gold and silver medal for the second and third best, respectively.

## Missoula High School.

At the coming interscholastic meet, Missoula High School will be right among the top-notchers, unless the present outlook is very deceiving. The support accorded to the boys by the

business men of the city and the school boards, has inspired them with an enthusiasm that will undoubtedly show in the coming competition with the other schools of the state. The grounds on the south side will be of great assistance to the track team of the High School, as they have been badly handicapped during the past seasons on account of inadequate training facilities. Among the men mentioned for the position of coach is Teevan, the crack quarter-miler. He is a man with much experience and should turn out a team of which Missoula will be proud.

## DIGEST OF CASES

(Head Notes on Supreme Court Cases Prepared by the Law Students of the University.)

Bailey vs. Tintinger. No. 3084, Feb. 1912. Judge Holloway.

This important case, involving much, if not all, of the law of water appropriation, arises out of an appropriation of water from Big Timber creek, claimed by the Glass-Lindsay Land Co., for purposes of sale and distribution to future settlers, through an irrigation canal system constructed at great expense. The decision lays down a doctrine contrary to that held in Colorado and some other states, to the effect that present application of water to a beneficial use is not a necessary prerequisite to a complete appropriation. It is pointed out by the court that to deny the right of a public service corporation to make an appropriation for the future use of future customers would retard the reclamation of arid lands in localities where the magnitude of the undertaking is too great for individual enterprise, if indeed it would not defeat the object and purpose of the United States in its great reclamation projects, as appropriations would depend upon the tide of immigration and the wishes of the settlers, if actual use is necessary to complete the appropriation.

I. Appropriation under the statute, when made—beneficial use not a prerequisite.—One who makes a common law appropriation must take actual possession of the water; but actual use is not made a prerequisite to complete appropriation, under the statute. A claimant who proceeds under the statute has a complete appropriation upon the completion of his work on his ditch, canal or other means of diversion, even before the water is actually applied to a beneficial use. At least in the case of public service corporation for the sale of water on land which it does not own, its appropriation is complete when it has fully complied with the statute, and has its distributary system complete, and is ready and willing to deliver water to users, upon demand, and offers to do so; and the title relates back to the date when the original notice was posted, where it appears that at the time the claim was initiated, there were arid lands available, susceptible of irrigation from the ditch, sufficient in extent to require its entire capacity.

II. Methods of Appropriation, Statutory and at Common Law.—Under the statute as to appropriation, enacted in 1885, carried forward into the several compilations since, the law provides an additional method of making an appropriation to that of actual diversion and putting to a beneficial use which existed before, by custom. The only necessary steps under the code are (1) posting notice; (2) filing notice with county clerk and recorder, (Sec. 4847); (3) commencing work within forty days after posting notice; (4) prosecuting such work with reasonable diligence, and (5) actual completion of the work (Sec. 4848).

One may still make a common law appropriation without posting and filing notices, by taking actual possession, but does not get the benefit of the doctrine of "relation back," and must actually apply the water to present use.

III. Extent of Appropriation not limited by Defective Canal.—An appropriator's right is not to be limited by the capacity of his canal while out of repair, unless that condition has existed for such a length of time as to indicate an intention on the part of an appropriator to claim no more water than the canal in that condition will carry.

IV. Limitation of Appropriator's Rights; Capacity of Ditch.—Where appellant complied with the statute in posting and filing notice of appropriation of 5,000 inches of water, but could take through his ditch, when com-

(Continued on Page 5.)

## Florence Steam Laundry

PAUL DORNBLASER, Student Agent

## THE PALACE HOTEL

CAFE AND GRILL THE BEST IN THE WEST  
PRICES WITHIN THE REACH OF ALL

## Walk-Over Shoes

If You Are Walking in  
WALK-OVER SHOES

You're walking in company with the WORLD WISEST and Most Discriminating Dressers. We extend a Special Invitation to investigate the New Spring Oxfords.

\$3.50, \$4.00, 4.50, 5.00

## Walk-Over Shoe Store

316 Higgins Avenue

## THE SOUTH SIDE GROCERS

## Barber & Marshall

The Stuff for

## Lunches and Spreads

CANDY, CAKES, FRUITS

Student Trade Solicited

## Union Market

A Good Clean Shop

Fancy Meats

Fine Poultry

BOTH PHONES

Bell 117 Ind. 431  
130-132 Higgins Avenue

Pop Corn goes good at the Shows.

Lots of It.

Grand Theater Pop Corn Wagon

C. H. MILLER, Prop.

## CHILI and TAMALE PARLOR

Tables For Ladies

OPEN TILL 2 A. M.

J. B. PIGG

134 West Cedar

## A. D. PRICE

Florence Hotel Block Phone 175

High School and University Pen-nants, Parker's and Moore's Non-Leakable Fountain Pens.

Periodicals of All Kinds, Post Cards and Stationery.

Cigars and Tobacco.

Form the habit—go to Price's.

## The Metropole

Our Specialty  
Is Fine Hair Cutting

## Thompson & Marlenee

Corner Basement at Nonpareil

140 North Higgins Avenue

Hawthorne Tonight! ! !

## The Western Montana National Bank

Capital, . . . \$200,000.00  
Surplus Fund, . . . 50,000.00

G. A. WOLF, . . . President  
J. H. T. RYMAN, . . . Cashier

## Missoula Trust and Savings Bank

CAPITAL . . . \$200,000.00  
SURPLUS . . . 50,000.00

Officers:

J. M. Keith, President; S. J. Coffee, Vice President; A. R. Jacobs, Cashier; R. C. Giddings, Assistant Cashier.

Three per cent Interest Paid on Savings Deposits.

## LUCY & SONS

Furniture and Carpets

## Drop in at

## MILLER'S

A few Hair Cuts and Shaves left, out First Class.

GEO. MILLER, Barber

Under First National Bank

## Owen Kelley

KEY WEST AND DOMESTIC  
CIGARS

## POOL and BILLIARDS

Pipes, Tobacco and Cigarettes

Agents for Johnson's Sweet Chocolates. "Meet me at Kelly's."

## THE FIRST NATIONAL BANK

Capital and Surplus \$400,000.00

A Savings Department in  
Connection.

F. S. LUSK, Pres. F. H. ELMORE,  
Vice Pres.; E. A. NEWLON, Cash.;  
H. S. HOLT, Asst. Cash.

## J. A. Cavander

GENERAL ELECTRIC SUPPLIES  
Construction and Repairs, Fixtures,  
Bells, Batteries, Etc.

Both Phones. 318 Higgins Ave.



# SOCIETY

MILDRED INGALLS.....Editor

## A. S. U. M. Dance.

Saturday evening, after the basketball game, a dance was held in the Gymnasium in compliment to the members of the Butte team. The good floor and splendid music helped everyone to soon forget the disappointment of losing the game, and the dance proved to be a great success.

## With Miss Ross.

On Sunday afternoon Miss Anabel Ross was hostess at an informal but very delightful tea. The first part of the afternoon was spent in music and conversation, and at 5 o'clock the guests adjourned to the dining room, which was brilliant with flowers and lighted candles. Those present were Alvina Hodgson, Florence Leech, Grace and Frances Leery, Cecil Johnson, Carrie Wharton and Mildred Ingalls.

## Dinner Party.

Saturday evening several members of Sigma Nu gave a most enjoyable dinner in the private dining room of Craig hall. Those present were the Misses Smith, Lyman, Birely, White, Page, Whipple and Saner; Messrs. Kruger, McPherson, Hansen, Brinton, Conner, Wolfe and Dobson.

## Sigma Nu Box Party.

Several members of Sigma Nu gave a box party at "The Balkan Princess" on Friday evening. After the theater party they all went to the Fraternity house where they enjoyed a very delightful spread, after which music and dancing was indulged in until a late hour. Those present were the Misses Leech, Hodgson, Smith, Saner, Birely, White, Foster; Messrs. Smith, Bore-

land, Conner, Dobson, Ward, Wolfe and Worden. Mr. and Mrs. Frank Bonner chaperoned the party.

## Luncheon.

On Sunday evening, Massey and Maude McCullough were host and hostess at a very pleasant luncheon. The informality of the evening made it all the more enjoyable. The guests were the Misses Lewis, Robertson and Bireley; Messrs. Boreland, Turner and Smith.

## St. Patrick's Day Jig.

The dance on Saturday evening promises to be one of the most enjoyable ever held in the Gymnasium. Plans are being made to have special decorations, music, programs and punch, all of which will be appropriate for a St. Patrick's day celebration.

## Engagement Announced.

Saturday afternoon Miss Hazel Tietjen was hostess to a large number of her friends. The guests played cards or embroidered at their pleasure. After the delicious refreshments were served Miss Tietjen gave her guests a pleasant surprise. A dainty crepe paper box in the form of a flower and with dozens of little yellow streamers hanging from it was brought out. Each guest was given the end of one of the ribbons and upon pulling the streamers a dainty sachet bag was found attached to the other end. These little bags were very pretty, made of white satin in the form of an orange blossom, with the initials of Mr. Hugh Forbis and Miss Tietjen and also the date of the wedding, March 27th, done in gilt.

## TRIANGULAR TALK NOW CONSIDERED

Would Include Idaho, Montana, and M. A. C. in Three-Cornered Word Fest Next Year.

If present plans carry, Montana will be represented in a triangular debate next year. Debating Coach George M. Palmer sounded Washington State and Idaho upon the matter, and both are willing to be included in a triangular.

While the Bozeman team was at the Varsity, Professor Palmer suggested to Professor Gilruth of the Agricultural College that a triangular be formed consisting of Washington State, the University and M. A. C. Bozeman objected to Pullman, saying that the Montana schools, in their opinion, were hardly in a class with W. S. C. and suggested that Idaho or Utah Agricultural, with whom Bozeman now debates, be substituted. Professor Palmer agreed to Idaho and negotiations are now in progress between M. A. C. and Idaho. In case a triangular is formed of Idaho, Montana and M. A. C., debating relations between Pullman and Montana will, perhaps, have to be suspended, since the University is not able financially to carry more than two debates, nor does the interest warrant it. If relations with Pullman are suspended, it will be with the greatest regret, for during the nine years of debating between the two schools the greatest friendship has prevailed. It was the wish of Professor Palmer that the Varsity might continue to debate both Pullman and Bozeman, the three schools being consolidated in a triangular league.

When asked concerning the idea of forming a triangular with Idaho, Montana and W. S. C. as members, Professor Palmer said: "I feel that we ought to continue to debate with Bozeman. Debates will aid more than anything else in bringing the two schools closer together and bringing about a healthy spirit of rivalry." It might be safely stated that all persons who have given this proposition any thought share in the opinion of the professor.

To debate in a triangular league is, perhaps, the best method of carrying on debating. By this method each school has two teams debating on opposite side of the question, one at home and one elsewhere. This is helpful in the preparation of argument, for the teams are pitted against each other and thus get a better idea of the value of their points. Two teams would be working on the same question at the same time. This would be of great benefit and would create more interest in debating.

## DR. UNDERWOOD TO ADDRESS LIT. MEN

Hawthorne Literary Meets Tonight to Elect Officers—Will Have Short Program.

Steps were taken at a meeting held last Thursday, to resurrect Hawthorne Literary Society; the tradition will be kept alive if the younger men of the school show interest in its line of work.

### O'Rourke Presides.

In the absence of Vice President Haines, A. W. O'Rourke, an officer of the society last year, took the chair and directed the meeting. The opinions of old members were heard as to what work the society should take up for the rest of the year. With a view of having Montana represented in the State Extemporaneous Speaking contest, Hawthorne will, perhaps, endeavor to cultivate speakers in this line. Parliamentary law will also be given some attention.

### No Officers Elected.

Since only three of the eight new members were present it was deemed advisable to postpone the election of officers until tonight. Unless some very unexpected interest is taken in Hawthorne, the offices will perhaps go to the men who say, "I want it." As yet no candidates for the honors have appeared.

### Program Tonight.

Lucius Forbes is chairman of the program committee for tonight, and announces that Dr. Underwood will make a short talk, as will also other members of the society.

The meeting will be held in Dr. Reynolds' room at 7:30 and will last but a half hour. All those interested in literary work or in extemporaneous speaking are requested to attend.

The Bureau of Printing does the work that pleases.

### FIRST COLLEGE DAILY.

The Weekly Exponent of the Agricultural College has the distinction of getting out the state's first college daily paper. During the recent tournament the Exponent issued a daily on each of the three days. This plan to issue a daily Kaimin for the last Interscholastic meet was considered, but "fell through" for some reason or other. In all probability the Kaimin will be issued daily during the coming Interscholastic.

Hawthorne Tonight! ! !

ENGRAVED  
VISITING  
CARDS  
AND  
WEDDING  
STATIONERY

PROGRAMS  
ANNOUNCEMENTS  
MONOGRAM STATIONERY

Missoulian Publishing  
Company

**J. D. Rowland**  
JEWELER AND OPTICIAN  
Repairing a Specialty  
114 East Main St. Missoula, Mont.

SUBSCRIBE FOR THE KAIMIN.

POPULAR MUSIC 15c per copy  
**Hoyt-Dickinson Piano Co.**  
223 Higgins Avenue Missoula, Montana


LUMBER DEPARTMENT OF THE  
**Anaconda Copper Mining Co.**  
Successors to the Big Blackfoot Milling Company  
Manufacturers of  
**WESTERN PINE AND LARCH LUMBER**  
Mills Located at Bonner, Hamilton and St. Regis, Montana  
General Sales Office Located at Bonner, Mont.  
Box Shooks, Lath, Moldings, Sash, Doors, Mill Work, Etc.

**Heimbach's**  
REST ROOM  
Easy Chairs Good Cigars

**Missoula Laundry Co.**  
W. CONWAY, Student Agent

*Who's Your  
Tailor?*  
TRADE MARK  
REGD. 1906  
BY EDV. PRICE & CO.

*March 27th*



**J. D. Price & Co.**  
Largest tailors in the world of GOOD made-to-order clothes  
Price Building Chicago, U. S. A.

## If You're Going to Ring a Bullseye

in the target practice of life, you've got to have a rifle; a shot-gun won't do—i. e. your clothes should not be constructed in the suburbs of your size, but must be Tailored Expressly for You

You'll look as neat, trim and stylish as any well-dressed college man, if we "do the job," and it won't cost you more than \$25 to \$50.

Make your requirements known to

**Joe. Fitzgerald**  
Merchant Tailor

Higgins Ave. Missoula, Mont.

who will show you our handsome Spring and Summer woollens and take your measure.





L. W. HUNT

Editor

## BASKETBALL SEASON.

The basketball season is over with Montana left at the end in the race for the state championship. With victory in her grasp last Saturday night, it looked as though she would at least tie the Miners for second place, but it was not to be and in the best game of the season she lost to her rival. Both games with the Carroll club also went the other way. Victory came twice. The officers at Fort Missoula lost to the collegians at the post, and on Charter day a team of enlisted men were massacred by the Varsity to the score of 70 to 2. We have lost the championship, but we have learned to lose, and with the experience gained for next year, we may well say that we are ahead for the season's work.

## Inter-Class Tournament.

Owing to the early close of the football season, basketball came to the front in the first week of November. Leo Baker was appointed manager by the executive committee of the A. S. U. M. As this is the first year the University has had a team in the field since 1907, a good deal of work was necessary to arrange a schedule. This was completed, however, before Christmas and then attention was given to the inter-class tournament.

All four classes were eager and ready with a team. The Sophs were confident and had more supporters than the others; the Juniors boasted of several real players, while the Frosh played the dark-horse act and said nothing but practiced faithfully. The Seniors were not considered in the race at all, but were expected to make their little stand and then yield to their younger but more athletic rivals. A week before Thanksgiving each class met and elected their captain and manager. The Juniors entrusted both duties to Cecil Dobson, the Sophs elected "Pat" McCarthy captain and appointed "Shorty" Whisler to see that they got a square deal; the Freshmen also combined the offices in Kenneth Wolfe; the Seniors took lots of time and it was some time later when they elected Dan Connors to captain and manager. The Lawyers also entered a team and they surely looked strong, but before the tournament could be started, they withdrew and some of their men went to other of the class teams.

The season opened with a rush on December 15th, when the Seniors met the Sophs and the Juniors clashed with the Frosh. The first game was one of the best that was played. The second half especially was close and ended in a tie of 17 points each. After several minutes of hard work, Shedy threw the winning points for the Sophs. The Seniors were better in team work and the Sophs depended on their stars, who proved to be McCarthy, Whisler and Seedy. Forbis, Connor and Fredell shone for the fourth-year men. The Freshmen team, which was principally Wolfe, took the small end of a 21-12 score in a game that also showed good speed.

On the next Monday the Frosh again met defeat at the hands of the Sophs, who trounced them to the tune of 26 to 5. The Juniors were also able to get a hold on five points, but in the meantime the Seniors had rolled up 18. After the second game the Freshmen were eliminated and the Juniors were dropped, after their third attempt. The Seniors and Sophs fought it out until victory finally rested with the second year men.

## McCarthy Elected Captain.

As there were no "M" men in basketball it was decided to leave the election of a captain to those men who had played two halves in the interclass series. They were: Connors, Forbis, Fredell, Baker and Thleme, for the Seniors; Shedy, Whisler, McCarthy, Plummer and Klebe of the Sophomore team; Johnson, Cameron, Buck, Dobson and Hanson, Juniors, and Baxter, Hunt, Wolfe, Borland, Shea and Stanley of the Freshmen aggregation. With little hesitation "Pat" McCarthy of the Sophomore class was chosen to lead the Varsity. He was a member of the 1910-11 team as long as it lasted. In the interclass series he was, without a doubt, the individual star. Before coming to the University he played on the fast Anaconda high school team so he did not lack

experience. He was easily the man for the place and what showing the team made this year was largely due to his hard work on the floor as well as in keeping the bunch together.

## Whitlock Coach.

Professor Whitlock of the law department, first appeared with his bunch of young attorneys when they were practicing at the first of the season. His marvelous skill in shooting baskets soon became a feature in the Gym, and it was plain that he was thoroughly familiar with the game. Candidates were called out on the first day after the holiday vacation and serious work was started at once. An enthusiastic meeting was held at which Physical Director Cary, Professor Whitlock, Captain McCarthy and several others talked of the coming season. Especial emphasis was placed on the importance of everybody keeping up in school work, and it is certainly worthy of notice that not a candidate for the team was ineligible before any game. Another result of this meeting was steady attendance at practice of a number of men. There was hardly a practice when there was not enough men for two teams.

## The Games.

Manager Baker now had his schedule already and all attention was centered on the first game, which was with the Agricultural College on February 3. The Aggies were reported strong, having already played several games as well as boasting a couple of old men. Although weakened by the loss of both regular guards, Montana went into the game confident of winning by hard fighting. The Farmers, however, were too fast, and had a better eye on the basket and succeeded in besting the Varsity by the score of 27 to 17. The stand made by the Varsity in the last five minutes of play was great, and furnished the fans with food for speculation on the outcome of the rest of the season.

## Carroll Game.

On February 9 Montana clashed with the Carroll Club of Helena. This game should have been ours. Up until the last five minutes the score was very close, then Charpentier of the Carrolls found the basket four times in rapid succession, thereby winning for his team.

## The Trip.

On the morning of February 23 the team left over the Northern Pacific on the first real basketball tour in the history of the institution. The men who made the trip were McCarthy, Whisler, Wolfe, Connor, Gervais, Shedy and Coach Whitlock. They went straight to Bozeman and played the Aggies there that night, the game going to the home team with the score of 31 to 4. The next day they journeyed over to Butte, where the Miners took the big end of the 39-11 score. Sunday was a day of rest, and on Monday night they went at it again, this time with the Carroll Club, which rolled up 48 points against the Varsity's 22.

The game with Polson, which had never been definitely arranged for, was called off for good, leaving but one more game to finish the season. This was with the School of Mines on March 9. Whitlock and his bunch of heavies, in spite of the string of defeats met with on the trip, continued to practice for this last chance to turn the season at least into partial victory. Although the Varsity fans were hopeful, none of them were prepared to see their team lead by two points at the end of the first half or to see them increase this lead to eight in the first of the second period, then the bubble broke, and in a whirlwind finish Reid's men carried off the honors. Thus the Varsity finished the intercollegiate season with an unbroken record of games lost.

## CHEVIGNY CASE DECIDED.

The case of the state against J. L. Chevigny was ended last Friday. The jury brought in a verdict of guilty, on the first ballot. Chevigny will be sentenced tomorrow afternoon. The minimum punishment is five years in the state penitentiary. The case during its 12 days of trial was followed very closely by the students of the law department, several of them being present at the closing.

## DRAMATISTS WILL APPEAR THE 29th

John Drews and Lillian Russells Are Practicing Assiduously for Coming Productions.

The latest report of the progress of the plays is that they are coming along splendidly. As the date set for the performance draws nearer, the work is being carried on very seriously, and everything is being smoothed down and perfected until the very best possible production results. The cast is doing very well and each one of the players fits into his or her part, thus promising something good.

## DIGEST OF CASES.

(Continued from Page 3.)

pleted, only 2,200 inches, the excess over that amount was relinquished under section 4848 Revised Codes, and the claim itself was limited to 2,200 inches, or to the capacity of the flume if less than that amount.

Appropriation; Bona Fide Intention to Use Necessary.—By fair implication from the statute, a bona fide intention to apply the water to a useful or beneficial purpose is required at the time of taking the initial steps, but the use to which the water is to be applied need not be immediate, but may be prospective or contemplated.

Appropriation; Extent of; How Measured.—The appropriator's needs and facilities, if equal, measure the extent of his appropriation. If his needs exceed the means of diversion, then the capacity of the ditch, etc., measures the extent of his rights. If the capacity of his ditch exceeds his needs, then his needs measure the limit of his appropriation.

Abandonment or Nonuser.—The right obtained by appropriation may be lost by abandonment, or by nonuser for an unreasonable length of time, but cannot be made to depend for its existence in the first instance, upon the voluntary acts of the third persons—strangers to the undertaking, in taking or failing to take water offered.

Custer Consolidated Mines Co. vs. City of Helena. No. 3084. March, 1912. Water Right; Contract Concerning;

Remedy for Interference.—The right to use water is an intangible right. From its nature, a contract with respect to it, cannot, technically speaking, establish the relation of landlord and tenant. Therefore wrongs done by interference with such an interest cannot be redressed by actions applicable to wrongs done by the invasion of corporal rights. The most appropriate remedy is a suit in equity.

Water Right; Injunction; Party in Interest; Counterclaim.—Where, in an action to quiet title to the use of water, defendant sets up a counterclaim, in which he seeks an injunction pendente lite to prevent plaintiff from diverting water from the stream in question, alleging a prior right in the defendant, which right has been leased to a domestic corporation, and that plaintiff has diverted and threatens to continue to divert the water, to the damage of said lessee. Held—The injunction asked by the defendant should not be granted, since the only allegation of wrong was that occurring to the lessee and to redress that wrong, the defendant was not the proper party in interest under section 6477, Revised Codes.

Water Right; Determination of Adverse Claims; Reversionary Interest; Injunction Pendente Lite.—Where facts show that diversion of water by plaintiff, if continued, may ripen into title by adverse use, the defendant is entitled to prevent injury to his reversionary interest by having such adverse claim determined, but since the purpose of an injunction, pendente lite is to preserve the status quo until the ultimate rights of the parties may be determined and since the running of the statute is stopped by the pendency of the action, if the lessee is not disposed to assert its right of present use, this is no concern of the defendant State, ex rel, Rowe v. District Court. lessor.

## CHEMISTRY CLUB.

On Thursday evening the Chemistry Club was entertained by Raleigh Gilchrist. Mr. Gilchrist gave an informal talk about the smelter in Great Falls, laying special stress on the chemical side of smelting copper ore. The talk was very interesting as well as instructive.

In the business session of the meeting the officers for the present semester were elected. They are as follows: O. D. Cunningham, president; Millard Nesbit, vice president; Evelyn Stevenson, secretary-treasurer.

Art Work, Posters, Pictures, Frames.

## SIMONS PAINT COMPANY

Glasswork of All Kinds.  
312 N. Higgins Ave.

## WEeping WATER ESTATE

(Continued From Page One.)

preter in the taking of this young woman's testimony. The pantomime that ensued as Mr. Cole and his subject conversed in the sign language of the bride, proved to be one of the most interesting features of the trial. The most intelligent signs and maneuvers, as explained by the interpreter, came forth replete with the information that Weeping Water was the lawful wedded wife of H. R. Underwood and that she was able to identify positively the man who pronounced the holy boons.

Attorney LaRue Smith followed Weeping Water. He testified as to his very intimate friendship with Mr. Underwood and of the very exemplary habits of that gentleman. He paid a high tribute to the intelligence and worth of our former resident, and cleared his name of any impeachment of failing memory or intemperance.

This closed the introduction of evidence. Several competent alienists had been called by both sides, but, owing to the lateness of the hour, they were excused and the case was submitted without their valuable assistance.

The present status of the case would seem to indicate that the contestant will fail in his case and that the wills will be admitted to probate. However, the final disposition of the case will not be reached until next Tuesday evening, when the instructions for the jury will be settled, and the arguments of the opposing counsel will be heard. At that time it is possible that things may be changed.

## Requests for Varsity.

In case the court decides in favor of the proponents of the wills, the University will be materially benefited, as the wills contain several important bequests to this institution. Among others are the provisions for the erection of a memorial to a Registrar in the form of a broken column; and for the establishment of a graduate school for the instruction of Chief Justices of the Supreme Court of the United States.

Mr. Dewitt Warren in the capacity of sheriff preserved admirable order throughout the entire progress of the trial, and reflected great credit on the Law department for its choice of him to fill that important position.

## MINES' TEAM DEFEATS "U."

(Continued From Page One.)

ond team of the High School, who cleaned the Collegians to the tune of 8 to 6. This game furnished plenty of excitement and served as a fine introduction to the big battle. School spirit among the Varsity fans was entirely lacking. Everybody was strong for the Scholastics and eager for a chance to roast the Collegians. Simpkins and Streit starred for the High School and Fredell and Weidman did the heavy work for the losers.

## The Line Up.

High School—Lansing and Streit, forward; Stone, center; Simpkins and McHaffie, guards.

University—Weidman and Fredell, forwards; Shea, center; Vealy and Johnson, guards.

## NEW PAINTING FOR VARSITY.

The Art Department is rejoicing over the purchase of a picture by Sir Joshua Reynolds—"The Age of Innocence." The picture has excited considerable comment on account of its wonderful likeness to the original. The picture is not a painting, but a reproduction under a recent process called proof painting. It is the regular size on canvas, and is said by art critics to be a true facsimile in colors and brush work of the original painting.

## INTERSCHOLASTIC BULLETIN OUT

The announcement of the ninth annual interscholastic meet is off the press and will be sent to the High Schools soon. It is one of the best-looking bulletins ever issued by the University. One thing which detracts from the general effect of the bulletin is that no new cuts were used.

The Chamber of Music will give a recital Sunday afternoon in Assembly Hall. The program will be under the direction of Professor Fischer.

## New Bijou

Missoula's Picture Palace.

Exclusively High-Classed Licensed Pictures.

It's the quality—that's why we lead.

Best Picture Best Music Best Songs

Change of program Sunday, Monday, Wednesday and Friday.

## The Minute Lunch Room

FOR GOOD COFFEE

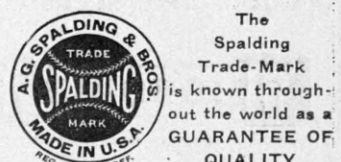
Best Lunch House in the City.

509 North Higgins Avenue

W. E. WHEELER, Prop.

## A. G. SPALDING AND BROS.

are the largest manufacturers in the world of OFFICIAL EQUIPMENT for all athletic sports and pastimes.



The Spalding Trade-Mark is known throughout the world as a GUARANTEE OF QUALITY

A. G. SPALDING & BROS. 1616 Araphoe St. Denver

## Green & Ellinghouse

Livery, Cabs and Transfer

Autos to Rent

Both Phones: Bell 38; Ind. 438. MISSOULA, MONTANA.

## University Text Books and Supplies of all Kinds

Drawing instruments imported direct from manufacturers. Better instruments for less money. Call and see goods and get prices.

## LISTER'S

114 E. Main St. Missoula, Mont.

## EAT

Try our home baked pies and good coffee.

## Tip Top Lunch

313 Higgins Avenue

## South Side Pharmacy

Toilet Articles to suit your taste

Cor. Higgins and So. 3rd

We Have All Kinds of Coal

## Perry Coal Company

"HOW IS YOUR COAL PILE?"

110 E. Cedar St. Both Phones 662